

Appn. Number:10/656,480 (Arlindo T. Jardin) Art Unit: 2855 Amnt. A contd. 4 of 13

REMARKS

Applicant has amended all claims to define the invention more particularly and distinctly so as to overcome the rejections and define the invention patentably over the prior art.

The Claims Rejection Under 35 U.S.C 102(b)

Claim 1 was rejected to under 35 U.S.C. 112(b) since it was said to be anticipated by Sopcisak (5,614,669).

Applicant requests reconsideration and withdrawal of this rejection since Sopcisak (5,614,669) claims a combination "Air Pressure Gauge Tool for measuring tire pressure and for accessing, removing, retaining, and replacing valve dust-caps...".

The Sopcisak (5,614,669) tool is designed for use on single mounted tire vehicles, such as passenger/private vehicles. The current invention is specifically designed for vehicles having dual-mounted tire arrangements such as trucks, trailers, buses, motor homes, heavy construction equipment, etc. The current invention facilitates access and removal of valve-stem caps on the inside dual-tire position and therefore is not anticipated by Sopcisak (5,614,669).

The Claims Rejection Under 35 USC 112.

Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-5 are rejected as failing to define the invention in a manner required by 35 U.S.C.112.

Applicant has amended claims 2-5 to define the invention more particularly and distinctly so as to overcome the rejections and define the invention patentably over the prior art.

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Applicant requests reconsideration and withdrawal of the rejections.

EVIDENCE FOR FURTHER CONSIDERATION

The applicant submits for further consideration the following arguments and Exhibits:

1. Since its introduction in the marketplace over 12, 940 units have been sold.
2. The invention is carried regularly by the largest truck stop in the country and listed in its catalog as well. (Exhibit A)
3. The invention is regularly carried by Speedco, Inc. a national chain of over 30 truck service shops. It is also used by the mechanics in their service bays.
4. The invention has been nationally advertised in several major industry publications.
 - a.) Movin' Out (Exhibit B)
 - b.) Land Line (Exhibit C)
 - c.) Roadstar (Exhibit D)
5. The invention has received professional recognition in several major industry publications:
 - a.) Fleet Owner (Exhibit E)
 - b.) Movin' Out (Exhibit F)
6. In the May 2005 issue of Land Line Magazine the invention was listed as one of the top twenty best new products at the 2005 Mid America Truck Show.

CONCLUSION

For all of the above reasons, the applicant submits that the claims comply with Section 112, the claims define over the prior art under Section 112 since Sopcisak (5,614,669) claims a combination Air Pressure Gauge Tool designed for use on vehicles with single mounted tires and does not anticipate the accessing of valve-caps on vehicles with dual-mounted tire arrangements.

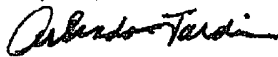
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Accordingly, the applicant submits that this application is in now in full condition for allowance, which action applicant respectfully solicits.

CONDITIONAL REQUEST FOR CONSTRUCTIVE ASSISTANCE

The applicant appreciates the assistance given by the Examining Officer. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examining Officer pursuant to M.P.E.P. § 2173.02 and §707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully.



Arlindo T. Jardin

Enc: Exhibits A-F

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Certificate of Facsimile Transmission: I certify that on the date below I will fax this communication, and attachments if any, to Art Unit 2855 at the following number: 703-872-9306

Date: 17 May 2005

Signature:

